

LOCAL RULES

Below is the hypertext version of the Local Rules and Orders for the US Bankruptcy Court, Eastern District of Kentucky. If you'd prefer, you can also choose Adobe Acrobat (PDF) versions of our [Local Rules and Standing Orders](#) or the [1999 amendments to the Federal Rules of Bankruptcy Procedure](#). If you do not have the free Acrobat Reader, you can also [get it here](#). (These files are large--you may wish to right-click on the links and save the documents to your local drive.) There are a number of online versions of the Federal Rules of Bankruptcy. You may find the [Legal Information Institute version at Cornell Law School](#) website helpful.

For Proofs of Claim and other official bankruptcy forms visit <http://www.uscourts.gov/bankform/>

If you need these materials in another format, please call us at (859) 233-2608, x. 134, or [send us e-mail](#).

Local [Rules](#) and [Forms](#) of the United States Bankruptcy Court for the Eastern District of Kentucky Effective May 1, 1997

Note: These Rules were amended by [Standing Orders](#) dated [January 1, 1998](#), [November 1, 1998](#), [July 1, 1999](#), [December 29, 1999](#), and [August 1, 2000](#). All these are reproduced at the end of this page. Please refer to those amendments as well as to the text of the Rules.

Note also that a new [unofficial form of Reaffirmation Agreement](#) has been issued by the Administrative Office of the Courts.

Also, effective February 15, 1999, motions for relief in Judge Howard's cases must be noticed for hearing in the division to which the case is assigned. Except where an order allowing a hearing in a different division is obtained prior to the filing of a motion for relief, no relief motions shall be noticed for hearing on Lexington motion days other than cases in the Lexington division.

**HONORABLE WILLIAM S. HOWARD, CHIEF JUDGE
HONORABLE JOE LEE, JUDGE**

TABLE OF RULES

[1001-1. Citation and Authority](#)

[1001-2. Organization of Local Rules](#)

[1002-1. Petition – General – Number of Copies of Petition and Schedules Required to be Filed With the Clerk](#)

[1002-2. Petition – Assemble, Collate, Staple](#)

[1002-3. Petition – Corporation](#)

[1004-1. Petition – Partnership](#)

[1006-1. Fees – Installment payments](#)

[1007-1. Lists, Schedules & Statements – Petition not Accompanied by Schedules and Statements](#)

LOCAL RULES

- [1007-2. Mailing – List or Matrix](#)
- [1071-1. Divisions – Bankruptcy Court](#)
- [2002-1. Notice to Creditors & Other Interested Parties -- General 10 Day Notice Requirement](#)
- [2016-1. Compensation of Professionals – Requirements – Supplemental Fee Applications](#)
- [3001-1. Claims and Equity Security Interests – General](#)
- [3002-1. Claim – Proof of by Creditor Holding a Secured Claim in Chapter 13 Case](#)
- [3003-1. Claims – Chapter 11 Case](#)
- [3009-1. Dividends – Chapter 7 Asset Cases - Deadline for Amending Claims](#)
- [3015-1. Chapter 13 – Plan – Service of Plan](#)
- [3015-2. Chapter 13 – Amendments to Plans – Service of Plan](#)
- [3015-3. Chapter 13 – Confirmation](#)
- [3017-1. Disclosure Statement – Approval](#)
- [3020-1. Confirmation of Chapter 11 Plan – Hearing on](#)
- [4001-1. Automatic Stay – Relief From](#)
- [4001-4. Hearings on Motions for Relief From Stay in the Lexington Division](#)
- [4001-5. Hearings on Motions for Relief From Stay in Divisions Other Than Lexington](#)
- [4003-1. Exemptions](#)
- [4003-2. Lien Avoidance](#)
- [4008-1. Reaffirmation](#)
- [5001-2. Clerk – Office Location/Hours](#)
- [5005-1. Filing Papers – Requirements](#)
- [5006-1. Court Papers – Uncertified Copies](#)
- [6004-1. Sale of Estate Property](#)
- [6008-1. Redemption](#)
- [7007-1. Motion Practice \(in Adversary Proceedings\)](#)
- [7026-1. Discovery – General](#)
- [7067-1. Registry Fund](#)
- [9014-1. Hearings on Motions](#)
- [9014-2. Contested Matters – Under Submission](#)
- [9022-1. Judgments & Orders – Notice of](#)

FORMS

- [1. Special Requirements for Mailing List Matrix](#)
(see an important [Note concerning the Matrix](#))
 - [2. Chapter 13 Plan.](#)
 - [3. Certificate of Service of Plan.](#)
 - [4. Order Confirming Chapter 13 Plan.](#)
 - [5. Motion for Relief From Stay.](#)
 - [6. Objection to Exemptions.](#)
 - [7\(a\). Motion for Order Avoiding Lien on Exempt Property.](#)
 - [7\(b\). Motion for Order Avoiding Lien on Exempt Property.](#)
 - [8. Motion for Approval of Reaffirmation Agreement.](#)
 - [9. Motion to Redeem Property](#)
-

LOCAL RULES

RULE 1001-1. CITATION AND AUTHORITY

These rules shall be referred to as the Local Rules of the United States Bankruptcy Court for the Eastern District of Kentucky, and may be cited as E.D. Ky. LBR ____ - _____. These rules are adopted pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure.

RULE 1001-2. ORGANIZATION OF LOCAL RULES

These local rules are numbered to correspond with the numbers of the Federal Rules of Bankruptcy Procedure dealing with the same general subject. Thus, the rules are not consecutively numbered. The first four numbers of each rule identify the Federal Rule of Bankruptcy Procedure which the local rule complements.

RULE 1002-1. PETITION - GENERAL - NUMBER OF COPIES OF PETITION AND SCHEDULES REQUIRED TO BE FILED WITH THE CLERK

The number of copies of the bankruptcy petition and schedules required to be filed with the clerk of the bankruptcy court to initiate a case under the Bankruptcy Code shall be as follows.

- (a) An original and three copies of a petition requesting relief under chapter 7, chapter 12 or chapter 13 of the Code shall be filed. An original and four copies of a stockbroker's petition for relief under subchapter III of chapter 7 shall be filed, one copy of which shall be transmitted by the clerk to the Securities Investor Protection Corporation. An original and four copies of a commodity broker's petition for relief under subchapter IV of chapter 7 shall be filed, one copy of which shall be transmitted by the clerk to the Commodity Futures Trading Commission.
- (b) An original and six copies of a petition requesting relief under chapter 9 or chapter 11 of the Code shall be filed. The clerk shall transmit one copy to the District Director of the Internal Revenue for the district in which the case is filed, one copy of a chapter 9 petition to the Secretary of State of the state in which the debtor is incorporated, one copy of a chapter 9 petition to the regional office of the Securities and Exchange Commission for the district in which the case is filed and, if a chapter 11 debtor is a corporation, one copy of the chapter 11 petition to the regional office of the Securities and Exchange Commission for the district in which the case is filed. If the petition seeks reorganization of a railroad under subchapter IV of chapter 11 of the Code, two additional copies of the petition shall be filed, and the clerk shall transmit one copy to the Surface Transportation Board and one copy to the Secretary of Transportation.
- (c) The number of copies of the schedules, statement of financial affairs and any supplement to same, statement of intention, and lists of the 20 largest creditors shall be the same as the number of copies of the petition required to be filed.
- (d) The additional copy of the petition, schedules and other documents for transmission to the United States Trustee in conformity with Rule 1002(b) of the Federal Rules of Bankruptcy Procedure is included in the number of copies required by this local rule.

LOCAL RULES

RULE 1002-2. PETITION - ASSEMBLE, COLLATE, STAPL E

Prior to submission to the Clerk of Court the original petition and accompanying schedules and documents and the required number of copies thereof shall be assembled, collated and stapled in conformity with a "Guide to Assembly of Petitions" which may be obtained from the Clerk of Court.

RULE 1002-3. PETITION - CORPORATION

The petition of a corporation for relief under the Bankruptcy Code shall be accompanied by a resolution of the board of directors of the corporation authorizing the debtor to petition for the relief requested, designating the individual authorized to sign the petition in behalf of the corporation, and designating the individual or individuals responsible for performing the duties of the debtor. The petition and resolution shall be accompanied by an order designating the individual or individuals who shall perform the duties of the debtor. See Rules 4002 and 9001(5)(A), Federal Rules of Bankruptcy Procedure.

RULE 1004-1. PETITION - PARTNERSHIP

The petition of a partnership for relief under the Bankruptcy Code shall be signed by all the general partners or accompanied by a resolution signed by all the general partners authorizing the partnership to petition for the relief requested. Otherwise, each general partner who is not a petitioner shall be summoned, as provided by Rule 1004(b) of the Federal Rules of Bankruptcy Procedure, to respond to the petition. The petition shall be accompanied by a resolution and order designating the individual partner or partners who shall perform the duties of the debtor. See Rules 4002 and 9001(5)(B), Federal Rules of Bankruptcy Procedure.

RULE 1006-1. FEES - INSTALLMENT PAYMENTS (see also [Standing Orders](#))

When leave is granted in accordance with Rule 1006 of the Federal Rules of Bankruptcy Procedure to pay in installments the applicable fees and charges required pursuant to title 28 U.S.C. § 1930, unless otherwise ordered by the court, such fees and charges shall be paid in installments as follows.

The fee and charges for filing a petition for relief under chapter 7 shall be paid in not more than four installments of \$43.75 each.

The fee and charges for filing a petition for relief under chapter 11 shall be paid in not more than four installments of \$200.00 each.

The fee and charges for filing a petition for relief under chapter 12 shall be paid in not more than four installments of \$50.00 each.

The fee and charges for filing a petition for relief under chapter 13 shall be paid in not more than four installments of \$40.00 each.

RULE 1007-1. LISTS, SCHEDULES & STATEMENTS -PETITION NOT ACCOMPANIED BY SCHEDULES AND STATEMENTS

LOCAL RULES

If a petition is accepted for filing without the schedules and statements as permitted by Rule 1007(c) of the Federal Rules of Bankruptcy Procedure, the mailing list matrix will suffice as the list of creditors required by that rule only if the petition is accompanied by the unsworn declaration of the debtor incorporating the mailing list matrix by reference and certifying under penalty of perjury that to the best of the debtor's knowledge, information and belief the list is a true and correct list of the names and addresses of all the debtor's creditors.

RULE 1007-2. MAILING - LIST OR MATRIX

A petition initiating a case under the Bankruptcy Code shall be accompanied by a separate, unattached mailing list matrix containing the name, address and zip code of all creditors and parties in interest to be notified of the case. The mailing list shall be submitted on 8-1/2 inch x 11 inch size paper. The debtor is required to obtain from the Clerk of Court the most current version of the court document entitled **SPECIAL REQUIREMENTS FOR MAILING LIST MATRIX (Local Form No. 1)** . The mailing list matrix must fully comply with the specifications set forth in Local Form No. 1. The court may dismiss sua sponte any petition which is not accompanied by a mailing list matrix in compliance with the specifications set forth in Local Form No. 1.

The mailing list matrix submitted with a chapter 7, chapter 12 or chapter 13 petition shall include the address of the IRS or the Commonwealth of Kentucky, Revenue Cabinet, only if the debtor owes taxes to those entities.

The mailing list matrix submitted with a chapter 11 case shall contain the address of the Internal Revenue Service, 801 Broadway, MDP 146, Nashville, Tennessee 37203, whether or not the debtor is indebted to such taxing entity.

A mailing list matrix must be accompanied by a verification in compliance with the form attached to **SPECIAL REQUIREMENTS FOR MAILING LIST MATRIX (Local Form No. 1, Attachment No. 2)**. The court may dismiss sua sponte any petition that is not accompanied by a Verification of the Mailing List Matrix.

In addition to the original mailing list matrix, a copy thereof (with each page marked "copy") shall be filed with the Clerk of Court. The Clerk of Court shall transmit the copy of the mailing list matrix to the office of the U.S. Trustee.

If the debtor is a corporation the names and addresses of the officers and equity security holders of the corporation shall be included on the mailing list matrix. If the debtor is a partnership the names and addresses of all the general partners shall be included on the mailing list matrix.

In a case with more than 300 creditors the mailing list matrix may be submitted on a diskette in a format specified by the Clerk of Court.

The Clerk of Court shall not be required to compare the names and addresses on the petition and schedules or amendments thereto with the names and addresses on the mailing list matrix. The accuracy of the names and addresses of entities to be notified of the bankruptcy proceeding as set out

LOCAL RULES

on the mailing list matrix (whether provided on diskette or paper) is the responsibility of the debtor and/or counsel for the debtor.

A notice of appearance or request to receive a special notice or a change of address request made by a debtor or creditor or other party in interest shall be accompanied by an addendum to the mailing list matrix identifying the name and address of the party to be added to the list of creditors. The addendum to the mailing list matrix shall comply with the specifications set forth in Local Form No. 1. If such notice or request is not accompanied by a proper addendum to the mailing list matrix the clerk may delay adding the party's name to the mailing list until the conforming addendum to the mailing list matrix is provided.

RULE 1071-1. DIVISIONS- BANKRUPTCY COURT

The divisions of the Bankruptcy Court shall be the same as the jury divisions of the United States District Court for the Eastern District of Kentucky as set out in LR 3.1(a) of the Joint Local Rules for the United States District Court for the Eastern and Western Districts of Kentucky, except the division identified therein as the London Division shall be identified as the Corbin Division of the Bankruptcy Court. Bankruptcy petitions shall be assigned by the clerk to the division of the Bankruptcy Court which encompasses the county in which the debtor resides at the time of filing. For purposes of this rule the residence of a partnership shall be the county in which the principal business of the partnership is located, and the residence of a corporation shall be the county in which the corporation maintains its registered office.

A motion that hearings in a chapter 7 bankruptcy case be held in a division of the court other than the division to which the case is assigned shall be filed with the original petition. Such a motion filed after the date of appointment of a trustee may be granted only for good cause shown that outweighs the inconvenience of the trustee having to travel to a different division of the court to attend hearings in the case.

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES - GENERAL 10 DAY NOTICE REQUIREMENT

Unless the Federal Rules of Bankruptcy specifically state otherwise, any notice of hearing shall include a certificate of service indicating that each party served has been given at least 10 days' notice of the hearing date. At the discretion of the court, emergency matters may be heard on less than 10 days' notice when accompanied by a motion to shorten the time provided by this rule.

In chapter 11 cases, with the exception of the notice of the meeting pursuant to 11 U.S.C. § 341, noticing shall be the responsibility of the debtor in possession or the attorney for the debtor in possession or, if a trustee has been appointed, the trustee or the attorney for the trustee.

RULE 2016-1. COMPENSATION OF PROFESSIONALS - REQUIREMENTS - SUPPLEMENTAL FEE APPLICATIONS

In addition to the requirements of Rule 2016 of the Federal Rules of Bankruptcy Procedure, applications for the allowance of compensation or expenses of a professional person appointed under

LOCAL RULES

section 327 or 1103 of title 11 must have attached thereto a copy of the order of retention or authorization.

Supplemental fee applications shall, in the same manner as original fee applications, contain all the information required by Rule 2016 of the Federal Rules of Bankruptcy Procedure.

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

Each proof of claim, with supporting documents evidencing the claim and the perfection of a security interest, if any, shall be submitted in duplicate, one original copy, complete with supporting documents, for the court case file, and one conformed copy, complete with supporting documents, for the trustee's case file. The original copy, which must bear the original signature of the claimant, shall be retained by the clerk in the court case file. The conformed copy, which may bear a photocopy of the claimant's signature, but which otherwise shall be complete in all respects with supporting documents, shall be forwarded by the clerk to the trustee.

The trustee shall examine and object to any defective or insufficiently documented claim, if any useful purpose would be served thereby.

Upon request, the Clerk of Court shall provide claimants with instructions for filing proofs of claim.

The requirements for filing in duplicate and documenting proofs of claim apply with equal force to any proof of an equity security interest in a debtor corporation.

RULE 3002-1. CLAIM - PROOF OF BY CREDITOR HOLDING A SECURED CLAIM IN CHAPTER 13 CASE

A proof of claim in conformity with Local Rule 3001-1 by or on behalf of a creditor, including a creditor holding a secured claim, other than a claim secured by an interest in real estate, must be filed in a chapter 13 case before the debtor or trustee may make payments to such creditor in accordance with the plan. Proof of a secured claim filed after the expiration of the time fixed by Rule 3002(c) of the Federal Rules of Bankruptcy Procedure for filing claims shall be allowed only to the extent of the value of the collateral securing the claim.

RULE 3003-1. CLAIMS - CHAPTER 11 CASE

Unless the court for cause shown orders otherwise, the cutoff date for filing unsecured claims or claims scheduled as disputed, contingent, or unliquidated in a chapter 11 case shall be the date of the order approving the disclosure statement.

RULE 3009-1. DIVIDENDS - CHAPTER 7 ASSET CASES - DEADLINE FOR AMENDING CLAIMS

When estate funds are available in a chapter 7 case for payment of a dividend to creditors holding allowed unsecured claims, the deadline for filing an amended claim for any deficiency remaining after the liquidation of collateral or for requesting an extension of time within which to file an amended

LOCAL RULES

claim shall be the date of the final hearing on applications for compensation or, in divisions other than the Lexington division, if applications for compensation are filed on a notice and opportunity basis, such deadline shall be the last date for objecting to such applications for compensation in accordance with the notice. No dividend shall be paid on an amended claim filed after that date by a creditor who did not timely request an extension of time within which to amend the claim.

RULE 3015-1. CHAPTER 13 - PLAN - SERVICE OF PLAN

(a) Form of Plan. A chapter 13 plan shall conform substantially to Form No. 2 with such alterations as may be appropriate to suit the circumstances.

(b) Service of Plan. Concurrently with the filing of the plan the debtor or the debtor's attorney shall cause a copy of the plan to be served by first class mail upon all creditors of the debtor and other parties in interest. The debtor or the debtor's attorney shall file with the plan a certificate of service in the form prescribed by Form No. 3 certifying that a copy of the plan has been served by first class mail upon all creditors of the debtor and parties in interest.

RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLANS - SERVICE OF PLAN

A modified chapter 13 plan shall be served upon all creditors and parties in interest and shall be accompanied by a certificate of service in the same manner as the original plan. The modified plan and the order confirming a modified plan shall identify the plan as the First, Second, etc. Modified Plan Dated _____.

RULE 3015-3. CHAPTER 13 - CONFIRMATION

(a)(1) Objections to Confirmation. An objection to confirmation of a chapter 13 plan is governed by Rule 9014 of the Federal Rules of Bankruptcy Procedure. Such objection shall be filed with the court not later than 10 days prior to the hearing on confirmation of the plan, shall be served upon the debtor, the attorney for the debtor and the chapter 13 trustee, and shall be noticed for hearing at the hearing on confirmation of the plan. An objection by a creditor to the recommendation of the chapter 13 trustee as to the allowed amount of the secured claim of such creditor may be presented at the hearing on confirmation of the plan.

(2) Hearing on Confirmation. The court shall rule on confirmation of a chapter 13 plan after hearing on notice to the debtor, the attorney for the debtor, and all creditors, including creditors holding secured claims, and any creditor who has timely filed an objection to confirmation of the plan. Notice of the hearing on confirmation of a chapter 13 plan may be combined with the notice of the meeting of creditors given pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. If no objection is timely filed, the court, without hearing evidence, may find that the plan has been proposed in good faith and not by any means forbidden by law.

(b) Order of Confirmation. The order of confirmation of a chapter 13 plan shall conform substantially to Form No. 4 and a copy of the order shall be served promptly upon the debtor or the attorney for the debtor, the chapter 13 trustee, and any creditor who timely filed an objection to confirmation of the plan.

LOCAL RULES

RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL

In a chapter 11 case the proponent of a disclosure statement and plan shall prepare and submit an order setting the date of the hearing for consideration of the disclosure statement.

The order shall fix a cutoff date for filing objections to the disclosure statement which ordinarily shall be five days in advance of the date of the hearing for consideration of the disclosure statement.

The order may indicate the cutoff date as fixed by E.D. Ky. LBR 3003-1 for filing unscheduled claims or claims scheduled as disputed, contingent, or unliquidated.

The proponent of the disclosure statement and plan shall cause copies of the order setting the hearing for consideration of the disclosure statement to be served upon the debtor, creditors, equity security holders and other parties in interest as provided in Rule 2002 of the Federal Rules of Bankruptcy Procedure and along with the order shall mail copies of the disclosure statement and plan to the parties specified in Rule 3017(a) of the Federal Rules of Bankruptcy procedure.

RULE 3020-1. CONFIRMATION OF CHAPTER 11 PLAN - HEARING ON

The proponent of a disclosure statement and plan shall prepare and submit an order setting the date of the hearing on confirmation of the plan.

The order shall fix a cutoff date for filing objections to confirmation of the plan which ordinarily shall be ten days prior to the date of the hearing on confirmation of the plan.

The order shall fix the time within which holders of claims or interests may accept or reject the plan which ordinarily shall be fifteen days in advance of the hearing on confirmation of the plan.

The proponent of the plan shall cause a copy of the order setting the hearing on confirmation of the plan along with the disclosure statement and plan and a ballot conforming to the appropriate Official Form for acceptance or rejection of the plan to be served by mail upon all creditors and equity security holders entitled to vote on the plan, and the United States Trustee, as directed by Rule 3017(d) of the Federal Rules of Bankruptcy Procedure.

RULE 4001-1. AUTOMATIC STAY - RELIEF FROM

Rule 9014 of the Federal Rules of Bankruptcy Procedure mandates that relief from stay be requested by motion. The motion shall be styled in the same manner as the bankruptcy case and not as an adversary proceeding. A request for relief from stay appearing in the context of a complaint commencing an adversary proceeding, or in an answer, counterclaim, cross-claim, intervening complaint or third party complaint filed in such a proceeding, unless also requested by separate motion filed in the related bankruptcy case, shall be deemed as consent for the stay to remain in effect until final disposition of the adversary proceeding.

A motion for relief from stay pursuant to section 362(d) of the Bankruptcy Code with respect to an interest of the movant in property (of the estate or of the debtor) shall conform substantially to Form

LOCAL RULES

No. 5, with such alterations as may be appropriate to suit the circumstances. The motion shall be accompanied by --

- (1) a proof of claim with supporting documents establishing the perfected security interest or other interest of the movant in property that is the subject of the motion; and
- (2) a certificate of service indicating that parties in interest have been served in a manner provided by Rule 7004 of the Federal Rules of Bankruptcy Procedure with a copy of the motion and the documented proof of claim.

In a chapter 7, chapter 12, or chapter 13 case service shall be made upon the debtor, counsel for the debtor, and the trustee. In a chapter 11 case service shall be made upon the debtor in possession, counsel for the debtor in possession, or if a trustee has been appointed, upon the trustee and counsel for the trustee. Service also shall be made upon counsel employed by a committee or alternatively upon each member of the committee. In a chapter 11 case in which a committee has not been appointed service shall be made upon the creditors on the list filed pursuant to Rule 1007(d) of the Federal Rules of Bankruptcy Procedure and the United States Trustee.

A motion for relief from stay pursuant to section 1201 or 1301 of the Bankruptcy Code shall be served upon the codebtor as well as upon the debtor, counsel for the debtor, and the trustee. The motion shall be accompanied by a proof of claim with supporting documents evidencing the signature of the codebtor.

A motion for relief from stay for the purpose of pursuing a cause of action against the debtor, i.e., an action for damages for which an insurance carrier may be liable, shall set out in detail relevant information concerning the action.

An order granting relief from stay may be entered without an actual hearing unless a party in interest responds and requests a hearing within the time fixed in the motion, which shall be not less than 15 days from the date of service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response and request for a hearing shall state the grounds for opposition to the motion and shall give notice of the place, time and date of the hearing thereon, which unless otherwise agreed by the parties or ordered by the court for cause shown, shall be not later than 30 days after the date the motion for relief from stay was filed with the court. The hearing on the response may be treated as a preliminary hearing on the motion for relief from stay and the stay may be continued in effect for the limited time permitted by title 11 U.S.C. § 362(e) pending conclusion of the final hearing.

An agreed order granting relief from stay will not be entered by the court unless the party to be accorded relief has filed a proof of claim with supporting documents establishing the perfected security interest or other interest of the party in the property that is the subject of the agreed order.

RULE 4001-4. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN THE LEXINGTON DIVISION (see also [Standing Orders](#))

Unless otherwise ordered by the court, motions for relief from the automatic stay in cases pending in

LOCAL RULES

the Lexington division may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions.

RULE 4001-5. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN DIVISIONS OTHER THAN LEXINGTON (see also [Standing Orders](#))

Unless otherwise ordered by the court, motions for relief from the automatic stay in the Covington division shall be heard at Covington on the first Tuesday of the month at 10:00 a.m. prevailing time; motions for relief from the automatic stay in the Ashland division shall be heard at Ashland on the Wednesday following the first Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Pikeville division shall be heard at Pikeville on the second Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Corbin division shall be heard at Corbin on the Thursday following the second Tuesday of the month at 10:00 a.m. prevailing time; and motions for relief from the automatic stay in the Frankfort division shall be heard at Frankfort on the Wednesday following the second Tuesday of the month at 11:00 a.m. prevailing time.

For cases pending in any division other than the Lexington division, when the requirements set forth in the immediately preceding paragraph and those set forth in 11 U.S.C. § 362(e) cannot be met by noticing a motion for relief in the division in which the case is pending at the times stated above, a motion for relief from stay must be noticed for hearing before the court at Lexington on the fourth Tuesday of the month at 10:00 a.m. prevailing time.

RULE 4003-1. EXEMPTIONS

An objection to an exemption claimed by a debtor or a dependent of the debtor shall conform substantially to Form No. 6, with such alterations as may be appropriate to suit the circumstances. The objection shall be served upon the person claiming the exemption and the attorney for such person within the time fixed by Rule 4003(b) of the Federal Rules of Bankruptcy Procedure and in a manner provided by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

An order sustaining the objection may be entered without an actual hearing unless the person claiming the exemption responds and requests a hearing within the time fixed in the objection, which shall be not less than 15 days, plus the three additional days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when the objection is served by mail. The response and request for a hearing shall state the grounds for opposition to the objection and shall be noticed for a hearing on a regularly scheduled date fixed by the court for hearing such objections.

Unless otherwise ordered by the court, in the Lexington division, objections to exemptions may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division, objections to exemptions may be noticed for hearing in the appropriate division at the times set forth in E.D. Ky. LBR 9014-1.

RULE 4003-2. LIEN AVOIDANCE

LOCAL RULES

A motion pursuant to section 522(f) of the Bankruptcy Code to avoid a judicial lien or a nonpossessory, nonpurchase-money lien on exempt property shall conform substantially to Form No. 7(a) or 7(b), with such alterations as may be appropriate to suit the circumstances. The motion shall be served on the lienholder in the manner provided by Rule 7004(b) of the Federal Rules of Bankruptcy Procedure.

An order sustaining the motion and avoiding a lien may be entered without an actual hearing unless the lienholder files a response and a request for hearing within the time specified in the motion, which shall be not less than 15 days from the date of the service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response shall state the grounds for opposition to the motion and shall be noticed for hearing at a regularly scheduled date fixed by the court for hearing such motions.

Unless otherwise ordered by the court, in the Lexington division motions pursuant to 11 U.S.C. § 522(f) in chapter 7 cases may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division, motions pursuant to 11 U.S.C. § 522(f) of the Bankruptcy Code may be noticed for hearing in the appropriate division at the times set forth in E.D. Ky. LBR 9014-1.

RULE 4008-1. REAFFIRMATION

A motion for approval of a reaffirmation agreement entered into by an individual who was not represented by an attorney during the course of negotiating the agreement shall conform substantially to Form No. 8, with such alterations as may be appropriate to suit the circumstances.

The motion shall be served in the manner provided by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

In the Lexington division a motion in a chapter 7 case for approval of a reaffirmation agreement may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all other divisions of the court, a motion for approval of a reaffirmation agreement shall be noticed for hearing at the times set forth in E.D. Ky. LBR 9014-1.

RULE 5001-2. CLERK - OFFICE LOCATION/HOURS

The address to which documents shall be delivered for filing and at which case files are maintained is 100 East Vine Street, Suite 202, Lexington, Kentucky 40507. The mailing address to which documents shall be mailed for filing is U.S. Bankruptcy Court, P.O. Box 1111, Lexington, Kentucky 40589-1111.

The office of the Clerk of the U.S. Bankruptcy Court for the Eastern District of Kentucky shall be open to the public from 8:30 a.m. until 4:30 p.m., Monday through Friday. Special arrangements may be made in advance with the clerk for the office to be open other than regular business hours. The

LOCAL RULES

office shall be closed on weekends and on all federal holidays.

RULE 5005-1. FILING PAPERS - REQUIREMENTS

Papers described in Rule 5005 of the Federal Rules of Bankruptcy Procedure which are served on any party or entity shall be filed in or mailed to the Clerk of Court no later than one business day following the date of service.

RULE 5006-1. COURT PAPERS - UNCERTIFIED COPIES

A party seeking by return mail an uncertified copy of an order, pleading, proof of claim or other paper filed in a case shall submit an additional copy thereof, together with a stamped, self-addressed envelope.

RULE 6004-1. SALE OF ESTATE PROPERTY

Whenever the trustee, or the debtor in possession, proposes to use, sell or lease property not in the ordinary course of business, such trustee or debtor in possession shall give the notice required by Rule 2002 and Rule 6004 of the Federal Rules of Bankruptcy Procedure. A notice of sale shall specify whether the property is to be sold free and clear of or subject to liens and encumbrances.

RULE 6008-1. REDEMPTION

A motion pursuant to 11 U.S.C. § 722 to redeem tangible personal property from a lien securing a dischargeable consumer debt shall conform substantially to Form No. 9, with such alterations as may be appropriate to suit the circumstances. The motion shall be served on the lienholder in the manner provided by Rule 7004(b) of the Federal Rules of Bankruptcy Procedure.

An order granting redemption may be entered without an actual hearing unless the lienholder files a response and requests a hearing within the time specified in the motion, which shall be not less than 15 days from the date of service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response shall state the grounds for opposition to the motion and shall be noticed for hearing at a regularly scheduled date fixed by the court for hearing such motions.

Motions in chapter 7 cases in the Lexington division pursuant to 11 U.S.C. § 722 may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division motions pursuant to 11 U.S.C. § 722 will be heard by the court at the times set forth in E.D. Ky. LBR 9014-1.

RULE 7007-1. MOTION PRACTICE (IN ADVERSARY PROCEEDINGS)

a) LEXINGTON DIVISION

Unless otherwise ordered, a motion in an adversary proceeding pending in the Lexington division may

LOCAL RULES

be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions. The motion shall include a certificate indicating that each party to the motion has been given at least ten (10) days' notice of the hearing on the motion by service of the motion in a manner permitted by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

Motions for a pretrial conference or trial date need not be noticed for hearing and, unless objection is made, will be acted on by the court without a hearing.

b) ALL OTHER DIVISIONS

In all other divisions of the court, motions in adversary proceedings shall be heard at the times set forth in E.D. Ky. LBR 9014-1. The motion shall include a certificate indicating that each party to the motion has been given at least ten (10) days' notice of the hearing on the motion by service of the motion in a manner permitted by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

RULE 7026-1. DISCOVERY - GENERAL

(a) Unless otherwise ordered by the court, prior to a request for discovery a party to an adversary proceeding or contested matter is not required to make the disclosures required by paragraphs (1) through (3) of subsection (a) of Rule 26 of the Federal Rules of Civil Procedure, as made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure.

(b) Unless otherwise ordered by the court, the provisions of subsection (f) of Rule 26 of the Federal Rules of Civil Procedure, as made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure, shall not apply in adversary proceedings or contested matters.

RULE 7067-1. REGISTRY FUND

(a) Any order presented by a party or parties that directs the clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the court pursuant to 28 U.S.C. § 2041, shall include the following:

- (1) the amount to be invested;
- (2) the name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;
- (3) a designation of the type of account or instrument in which the funds shall be invested;
- (4) wording which directs the clerk to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at 10% of the income earned while funds are held in the court's registry, whenever such income becomes available for deduction and without further order of the court.

(b) The fee assessed under subsection (a) of this rule shall be deducted periodically, without further

LOCAL RULES

orders of the court, either at the time income is credited to the account, or prior to any other distribution. Investments having a maturity date greater than one year will be assessed the fee at the time the investment instrument matures.

(c) Sample orders in conformity with this rule may be obtained upon request from the Clerk of Court.

RULE 9014-1. HEARINGS ON MOTIONS (see also [Standing Orders](#))

Motions, objections or applications that have not been resolved by or cannot await resolution by the notice and opportunity for a hearing process, including responses to any such motions, objections or applications, shall be noticed for hearing as follows:

(a) LEXINGTON DIVISION

Unless otherwise ordered by the court, motion days in the Lexington division shall be as follows:

1. Motions in adversary proceedings may be noticed for hearing at 10:00 a.m. prevailing time on the first and third Wednesday of each month, unless such day is a legal holiday, in which event the court may designate an alternate date.
2. Motions for relief from stay may be noticed for hearing at 1:30 p.m. prevailing time on the first or third Wednesday of each month, unless such day is a legal holiday in which event the court may designate an alternate date.
3. Miscellaneous motions in chapter 7 cases may be noticed for hearing at 1:30 p.m. prevailing time on the second Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.
4. Miscellaneous motions in chapter 13 cases may be noticed for hearing at 1:30 p.m. prevailing time on the third Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.
5. All other motions may be scheduled by contacting the judge's chambers.

(b) ALL DIVISIONS EXCEPT LEXINGTON

Unless otherwise ordered, for cases pending in the Ashland, Corbin, Covington, Frankfort and Pikeville divisions, any motion other than a motion for relief from stay shall be noticed for hearing in the division in which the case is pending at the following times. Motions in cases in the Ashland division shall be noticed for hearing at Ashland on the Wednesday following the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Corbin division shall be noticed for hearing at Corbin on the Thursday following the second Tuesday of the month at 11:00 a.m. prevailing time; motions in cases in the Covington division shall be noticed for hearing at Covington on the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Frankfort division shall be noticed for hearing at Frankfort on the Wednesday following the second Tuesday of the month at 10:00 a.m. prevailing time; and motions in cases in the Pikeville division shall be noticed for hearing at

LOCAL RULES

Pikeville on the second Tuesday of the month at 1:30 p.m. prevailing time.

In the event there is insufficient time to hear a motion scheduled at the above time, the motion shall be reset for hearing at the court's convenience. Motions which are expected to require more than 15 minutes of court time may be scheduled by contacting the judge's chambers.

RULE 9014-2. CONTESTED MATTERS - UNDER SUBMISSION

When a matter is to be taken under submission, the party filing the last memorandum or other paper concerning that matter shall submit an order of submission therewith.

RULE 9022-1. JUDGMENTS & ORDERS - NOTICE OF

(a) General Requirement. Each order or judgment submitted for entry by the court shall include thereon the name and complete address of each person and party to be served with a copy of the order.

(b) Adversary Proceedings. In an adversary proceeding, following the ruling of the court on a motion or other matter, the prevailing party shall submit an appropriate order or judgment in a sufficient number of copies accompanied by metered or stamped envelopes addressed to each person and party designated for receipt of service of the order.

(c) Proceedings in a Bankruptcy Case. A request for action in a bankruptcy case initiated by application, motion, objection, response, or other pleading, shall be accompanied by a proposed order. The proposed order shall be submitted in triplicate, an original and two copies, along with a self-addressed, metered or stamped envelope for returning a copy of the order to counsel for the prevailing party for service on the persons and parties named in the order. Counsel shall cause a copy of the order to be served on each of the persons and parties designated to receive the order and shall file with the court a certificate of service of the order upon such persons and parties.

Forms

(WEBMASTER'S NOTE : Please contact the Clerk's office to obtain a printed copy of the Mailing Matrix discussed in the Rules and Forms. The matrix will not display or print properly online and is therefore not reprinted here.)

FORM NO. 1 (Revised 4/97)
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY

SPECIAL REQUIREMENTS FOR MAILING LIST MATRIX
(See E.D. Ky. LBR 1007-2)

LOCAL RULES

TO THE DEBTOR(S) AND THE ATTORNEY FOR DEBTORS(S), IF ANY:

The debtor shall prepare and submit to the Court, at the time the petition is filed, a mailing list matrix which complies with the computerized noticing guidelines contained herein. The accuracy and completeness of this creditor listing shall be the total responsibility of the debtor and the debtor's attorney. Failure to comply may cause the petition to be dismissed. The Court shall rely upon the mailing list matrix for all mailings. This mailing list matrix is required in addition to the various schedules required by Rule 1007 of the Federal Rules of Bankruptcy Procedure.

In order to ensure that the mailing list matrix or amendments you file can be properly read by the Optical Character Reader (OCR) currently used by the Court, we ask that you observe the following guidelines. Your cooperation is essential in helping us make improvements in our existing system and to better serve the public.

1.0 FORMAT AND REQUIREMENTS FOR MAILING LIST MATRIX

(A) Filing Requirements - A mailing list matrix (see Attachment No. 1) is required whenever the following occurs:

- (1) A new chapter 7, 11, 12 or 13 petition is filed.
- (2) A case is converted to a chapter 7, 11, 12 or 13 after August 1, 1991. (See Section C on conversions to determine if a partial or complete matrix is required)
- (3) An amendment to a case under chapter 7, 11, 12 or 13 is filed after August 1, 1991, which adds, deletes or changes creditor address information on the debtor's Schedule of Debts and/or Schedule of Equity Security

Holdings.

(B) Matrix Format Requirements - All matrices must comply with the following:

- (1) Characters should be a standard block-style type (ex. Courier or Times Roman). Type should NOT be proportional, italic, bold or exotic. Letters should not be touching each other and characters should be a minimum of 10 pitch.
- (2) Lists shall be typed in a single column on the page rather than in two or three columns. See Attachment No. 1. Lists must be typed so that no address is closer than 2" from any edge of the paper (top, bottom, left or right).
- (3) Addresses must be single spaced and each name/address must

LOCAL RULES

consist of no more than five (5) total lines, with at least two (2) blank lines between each of the name/address blocks. Entire ZIP codes must be located on the same line as city and state. No address information should be typed below the ZIP code.

(4) To comply with postal regulations, names and addresses should not contain any punctuation other than hyphens.

(5) All states must be two-letter abbreviations. Example: correct = KY; wrong = Kentucky. Do NOT use punctuation within the two-letter state abbreviations (Ex. N.D. would be incorrect). Do NOT use abbreviations for city names. (Ex. Phila. for Philadelphia).

(6) Each line must be 40 characters or less in length.

(7) **ALL CREDITORS ARE TO BE IN ALPHABETICAL ORDER. DO NOT DUPLICATE NAMES AND ADDRESSES.** Entities with more than one (1) address may be listed as many times as necessary to assure proper notice.

(8) Do NOT include the following entities since they will be retrieved automatically by the computer for noticing:

* Debtor

* Joint Debtor

* Attorney for the Debtor(s).

(9) Do NOT use a dot matrix printer.

(C) Converted Cases

(1) For cases filed prior to June 1, 1983, and subsequently converted after August 1, 1991 to a chapter 7, 11, 12 or 13, **ALL** creditors must be listed on the mailing list matrix.

(2) For cases filed after June 1, 1983 and then converted after August 1, 1991 to a chapter 7, 11, 12 or 13, only postpetition creditors need be listed on the mailing list matrix. The matrix and verification must be filed with the conversion petition.

(D) Amendment to Schedule of Debts and/or Schedule of Equity Security Holders

LOCAL RULES

(1) A separate matrix page is required for creditors being "added", a separate page for those being "deleted", and a separate page for those which require "correction". Indicate on the REVERSE side of each matrix page which category that particular page belongs in.

(2) The matrix with Verification is a document separate from the amended schedules and may not be used to substitute for any portion of the schedules. **IT MUST BE SUBMITTED WITH THE AMENDMENT.**

(E) Avoiding Problems

Although the court is using sophisticated equipment and software to ensure accuracy in creditor list reading, certain problems may still occur. By following these guidelines, you will avoid delays in the initial processing of your bankruptcy petition.

The following problems can result in your lists being improperly read by the optical scanner, requiring you to resubmit your creditor list in an acceptable form.

(1) Extra marks on the list - such as letterhead, dates, debtor name, coffee stains, handwritten marks.

(2) Non-standard paper such as onion skin, half-sized paper, or colored (i.e., yellow, blue, etc.) paper; some recycled paper (if the print bleeds a little).

(3) Poor quality type caused by submitting a photocopy or a carbon copy, using an exhausted typewriter ribbon, or using a typewriter with a fabric ribbon.

(4) Unreadable type faces or print types such as proportionally-spaced fonts, dot-matrix printing, or exotic fonts (such as Olde English or Script).

(5) Incorrect typewriter settings will cause unreadable lists. Make certain that your typewriter is set for 10 pitch if you are using a 10-pitch type style.

(6) Stray marks should be avoided. Do NOT type lines, debtor name, page numbers, or anything else on the front of a creditor list. Any identifying marks you choose to add can be typed on the back of the list.

LOCAL RULES

(7) Nine-digit ZIP codes should be typed with a hyphen separating the two groups of digits. Do **NOT** type "attention" lines or account numbers on the last line. If needed, this information must be placed on the second line of the name/address. Account numbers may not exceed 15 characters. (The entire ZIP code must be at the end of the same line as the city and state in order for the U.S. Postal ZIP code sorting equipment to find it.) Except, if the ZIP code is a 9-digit ZIP code, it can be on the last line by itself.

(8) Be sure to type the number "1" (one) rather than the lower case letter "l" (L) when using numerics.

(F) United States Attorney

When listing an indebtedness to the United States for other than taxes, the debtor shall include both the United States Attorney and the federal agency through which the debtor became indebted. The name and address of the United States Attorney must include, in parentheses, the name of the federal agency. For example:

United States Attorney

(For Department of Education)

PO Box 3077

Lexington, KY 40596-3077

2.0 CHAPTER 11 CASES WITH AN EXCESS OF 300 CREDITORS:

Please contact the Clerk of Court for specific instructions.

3.0 OTHER CHAPTERS.

Please contact the Clerk of Court for specific instructions when filing stockbroker chapter 7, commodity broker chapter 7, chapter 9 or chapter 11 railroad reorganization petitions.

Attachment 1 is on the following page

SUMMARY OF MAILING LIST MATRIX REQUIREMENTS

1. List creditors alphabetically
2. Use only one column of creditors per page

LOCAL RULES

- 3. No address can be longer than 40 characters in width and no address can be longer than 5 lines.
- 4. Leave 2 spaces between addresses.
- 5. Put no extra marks of any kind on front of the matrix page. Identifying marks such as the debtor's name may be put on the back of each matrix page if you wish.
- 6. In addition to the original mailing list matrix, a copy of the mailing list matrix (with each page marked "copy") shall be filed with the Clerk of Court.

(NOTE: Please contact the Clerk's office to obtain a printed copy of the Matrix. The matrix will not display or print properly online and is therefore not reprinted here.)

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

VERIFICATION OF MAILING LIST MATRIX

I, _____, the petitioner(s) in the above-styled bankruptcy action, declare under penalty of perjury that the attached mailing list matrix of creditors and other parties in interest consisting of _____ pages is true and correct and complete, to the best of my (our) knowledge.

DATED: _____

DEBTOR

JOINT DEBTOR

I, _____, counsel for the petitioner(s) in the above-styled bankruptcy action, declare that the attached mailing list matrix consisting of _____ pages has been verified by comparison to Schedules D through H to be complete, to the best of my knowledge. I further declare that the

LOCAL RULES

attached mailing list matrix can be relied upon by the Clerk of Court to provide notice to all creditors and parties in interest as related to me by the debtor(s) in the above-styled bankruptcy action until such time as any amendments may be made.

DATED: _____

(Signature of attorney) (Name of attorney typed out)

COUNSEL FOR DEBTOR(S)

ATTACHMENT 2

FORM NO. 2

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR

CHAPTER 13 PLAN

(1) The debtor shall pay to the trustee out of debtor's future earnings or other income the sum of \$_____ each _____. The debtor submits all or such portion of debtor's future earnings or other income as is necessary for the execution of the plan to the control of the trustee. 11 U.S.C. § 1322(a)(1).

(2) All claims entitled to priority under 11 U.S.C. § 507 shall be paid in full in deferred cash payments unless the holder of a particular claim agrees to a different treatment of such claim. 11 U.S.C. § 1322(a)(2).

(3) Creditors holding unsecured claims shall be divided into two classes. 11 U.S.C. § 1322(a)(3).

Class A. Class A shall consist of creditors holding allowed unsecured claims of \$10.00 or less. The

LOCAL RULES

claims of such creditors shall be paid in full prior to any payment on unsecured claims in Class B.

Class B. Class B shall consist of creditors holding allowed unsecured claims for any amount greater than \$10.00. The claims of such creditors shall be paid pro rata over the period of the plan.

(4) Creditors holding allowed unsecured claims shall be paid

_____ In full

_____ To the extent of _____ cents on the dollar.

_____ To the greatest extent possible from payments to be made by the debtor as provided by the plan for a period of _____ months. No interest accruing after the date of the filing of the petition shall be paid on the claims of creditors holding allowed unsecured claims. Unmatured interest shall be rebated in determining the allowed amount of any such claim. 11 U.S.C. § 502(b)(2).

(5) The holder of any allowed secured claim provided for by the plan shall retain a lien securing such claim until the amount for which the claim is allowed as secured is paid in full. 11 U.S.C. §§ 1325(a)(5)(B)(i), 1327(c).

(6) The trustee shall make periodic cash payments to the holder of any allowed secured claim at a rate in excess of any decrease in value of any collateral securing the claim. 11 U.S.C. § 361(1).

(7) Each of the following named creditors holds a judicial lien or a nonpossessory, nonpurchase-money security interest encumbering property of a kind specified in 11 U.S.C. § 522(f)(2)(A)(B) or (C), which the debtor is entitled to claim as exempt and has claimed exempt in this case. Unless any such creditor files timely objection to confirmation of the plan and the court after hearing the objection finds the debtor may not avoid the lien of such creditor under 11 U.S.C. § 522(f), then upon confirmation of the plan the property encumbered by the lien of any of such named creditor shall vest in the debtor free and clear of any claim or interest of any of such creditor as provided by 11 U.S.C. § 1327, and the claim of any such creditor who has filed a claim shall be allowed as an unsecured claim and paid on a parity with other allowed unsecured claims.

1.

2.

3.

4.

(8) The debtor hereby rejects as burdensome the following executory contracts of the debtor.

(Give details concerning the other party or parties

to the contract and the nature of the contract.)

LOCAL RULES

Any claim filed by said creditor arising from rejection of such executory contract shall be allowed as if such claim had arisen before the date of the filing of the petition, subject to the right of the debtor or the trustee to object to the amount of the claim. 11 U.S.C. § 520(g).

DATED:

Attorney For Debtor Debtor

Summary of Debts as Scheduled:

Priority: _____

Secured or partially secured

(excluding debts secured by

an interest in real estate) _____

Unsecured: _____

TOTAL: _____

FORM NO. 3

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

LOCAL RULES

CASE NO. _____

DEBTOR

CERTIFICATE OF SERVICE OF PLAN

I certify that on the date shown below I mailed a copy of the debtor's plan dated _____, to all creditors of the debtor at their addresses as shown in the schedules accompanying the debtor's petition.

Date plan mailed

to creditors:

Attorney For Debtor

Note

This form is for use in complying with the requirements of E.D. Ky. LBR 3015-1 which requires service of a copy of the plan on all creditors of the debtors and parties in interest.

Each plan should be dated to distinguish between plans in the event a substituted or amended plan is filed.

FORM NO. 4

LOCAL RULES

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

ORDER CONFIRMING CHAPTER 13 PLAN

The plan having been transmitted to creditors; and it having been determined after hearing on notice that --

- (1) the plan complies with the provisions of chapter 13 and with other applicable provisions of the Bankruptcy Code;
- (2) the filing fee required by 28 U.S.C. section 1930 has been paid;
- (3) the plan has been proposed in good faith and not by any means forbidden by law;
- (4) the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under 11 U.S.C. chapter 7 on such date;
- (5) the debtor will be able to make all payments under the plan and to comply with the plan;
- (6) with respect to each allowed secured claim provided for by the plan --
 - (A) each holder of such a claim has accepted the plan; or
 - (B)(i) the plan provides that each holder of such a claim shall retain a lien securing the claim; and
 - (ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or
- (C) the debtor has surrendered to the holder of such claim the property securing such claim; and
- (7) with respect to any pending objections to confirmation filed by the trustee or the holder of an allowed unsecured claim, the standards of 11 U.S.C. section 1325(b) have been met.

LOCAL RULES

IT IS ORDERED that the debtor's plan should be and hereby is confirmed.

IT IS ORDERED that copies of this order be served by mail upon the debtor, the debtor's attorney, the trustee, and the parties shown below.

Dated:

By the court -

Judge

Copies to:

Attorney for Debtor

Trustee

FORM NO. 5

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

LOCAL RULES

MOTION FOR RELIEF FROM STAY

_____, by counsel, a creditor in the above-referenced case, moves the court pursuant to 11 U.S.C. ' 362(d) for an order granting relief from the automatic stay in order that movant may enforce its lien against property of the debtor as hereinafter described.

The debtor filed a petition for relief under chapter 7 of the Bankruptcy Code in this court on _____. The trustee of the estate of the debtor in this case is _____.

As of the date of the filing of the petition the debtor was indebted to the movant in the amount of \$_____, representing the balance due on a note and security agreement dated _____.

The indebtedness evidenced by the note and security agreement is secured by a security interest in the following collateral: _____
_____.

The security interest was perfected by the filing of a financial statement on _____, in the office of _____.

A copy of the proof of claim filed in this case by movant, along with copies of the note, security agreement, financing statement and supporting documents establishing the movant's perfected security interest in the above-described collateral, is attached hereto.

Movant seeks relief from stay on the following grounds: the interest of the movant is not adequately protected; or the debtor has no equity in the property and the property is not necessary to an effective reorganization.

Respectfully submitted,

Attorney for Movant

NOTICE

Please take notice that unless a party in interest, within 15 days from the date of this motion, files a response to the motion and a request for and notice of hearing on such response, the enclosed order may be entered by the court without a hearing on the motion.

OR

Please take notice that parties in interest shall have 15 days from the date of this motion within which to file a response to the motion and a request and notice of hearing on such response. If no response is timely filed, the enclosed order may be entered by the court without a hearing on the motion.

LOCAL RULES

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing motion was served on the debtor, counsel for the debtor, the trustee, and other parties in interest, by mailing a copy to them this _____ day of _____, 19____.

Attorney for Movant

FORM NO. 6

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO.

DEBTOR(S)

OBJECTION TO EXEMPTIONS

_____, a creditor, objects to the exemption of (describe property) included in the list of property claimed as exempt by the debtor (or a dependent of the debtor). In support of its objection, creditors states as follows:

The debtor filed a petition for relief under chapter _____ of the Bankruptcy Code on (date).

The debtor listed in the schedule of assets (describe property) which the debtor claims as exempt. The meeting of creditors was concluded on (date).

OR

LOCAL RULES

The debtor filed an amendment to the list of property claimed as exempt or supplemental schedules on (date), and claimed (describe property) as exempt.

OR

On (date), (name and identity of dependent), a dependent of the debtor, filed a list of property, including (describe property), which he/she claimed as exempt.

Creditor objects to the exemption for the following reasons: .

For these reasons, creditor requests the court to sustain its objection to exemption.

Respectfully submitted,

Attorney for Creditor

NOTICE

Please take notice that unless a party in interest, within 15 days from the date of this objection to exemption, files a response to the objection and a request for and notice of hearing on such response, the enclosed order may be entered by the court without a hearing on the objection.

OR

Please take notice that parties in interest shall have 15 days from the date of this objection to exemption within which to file a response to the objection and a request for and notice of hearing on such response. If no response is timely filed, the enclosed order may be entered by the court without a hearing on the objection.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing objection to exemption was served by (state method of service) on the debtor, counsel for the debtor (or person claiming the exemption and counsel for such person), and the trustee this ____ day of _____, 19__.

Attorney for Creditor

FORM NO. 7(a)

LOCAL RULES

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

MOTION FOR ORDER AVOIDING LIEN ON EXEMPT PROPERTY

Debtor hereby moves the court pursuant to section 522(f)(1)(A) of title 11, United States Code, for an order avoiding the lien of _____ as a lien that impairs the interest of the debtor in exempt property.

Such lien is a judicial lien.

Such lien impairs the interest of the debtor in property in which the debtor is entitled to claim and has claimed an exemption in this case. Such property is more particularly described as follows:

Wherefore, the debtor requests entry of an order avoiding the lien of _____ and providing that, unless this case is dismissed, such lien shall not survive this bankruptcy proceeding or affix to or remain enforceable against the interest of the debtor in any of the aforementioned property following the conclusion of this case.

Attorney for Debtor

NOTICE

LOCAL RULES

Please take notice that, unless within 15 days of the date of service of this motion, you, as lienholder, file a response to the motion and a request for and notice of hearing on the response, an order may be entered without a hearing sustaining the motion and avoiding your lien on property of the debtor.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing motion for order avoiding lien on exempt property was served by (state method of service) upon the lienholder this _____ day of _____, 19____.

Attorney for Debtor

FORM NO. 7(b)

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

MOTION FOR ORDER AVOIDING LIEN ON EXEMPT PROPERTY

Debtor hereby moves the court pursuant to section 522(f) of title 11, United States Code, for an order

LOCAL RULES

avoiding the lien of _____
as a lien that impairs the interest of the debtor in exempt property.

Such a lien is a nonpossessory, nonpurchase-money lien.

Such lien impairs the interest of the debtor in property of a kind described in subparagraph (i), (ii) or (iii) of paragraph (B) of subsection (f) of section 522 of title 11, United States Code, in which the debtor is entitled to claim an exemption and has claimed an exemption in this case. Such property is more particularly described as follows: _____

Wherefore, the debtor requests entry of an order avoiding the lien of _____ and providing that, unless this case is dismissed, such lien shall not survive this bankruptcy proceeding or affix to or remain enforceable against the interest of the debtor in any of the aforementioned property following the conclusion of this case.

Attorney for Debtor

NOTICE

Please take notice that, unless within 15 days of the date of service of this motion, you, as the lienholder, file a response to the motion and a request for and notice of hearing on the response, an order may be entered without a hearing sustaining the motion and avoiding your lien on property of the debtor.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing motion for order avoiding lien on exempt property was served by (state method of service) upon the lienholder this _____ day of _____, 19____.

Attorney for Debtor

LOCAL RULES

FORM NO. 8

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

DEBTOR(S)

MOTION FOR APPROVAL OF REAFFIRMATION AGREEMENT

Debtor hereby moves the court for an order approving an agreement between the debtor and _____ for payment of a debt owed by the debtor to said creditor.

The debt owed by the debtor to said creditor is a dischargeable consumer debt that is not secured by real property.

The debtor believes the reaffirmation agreement pursuant to which the debtor proposes to pay said debt is in the best interest of the debtor and will not impose an undue hardship on the debtor or a dependent of the debtor for the following reasons: [Explain (1) the reasons for wanting to reaffirm the debt, and (2) circumstances indicating reaffirmation will not impose an undue hardship on the debtor and dependents]:

LOCAL RULES

Pro Se Debtor

NOTICE OF HEARING

Notice is hereby given that this motion will be brought on for hearing before the court on (insert date and time of hearing) at (insert location of hearing).

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing motion for approval of reaffirmation agreement was served by (state method of service) upon the creditor and the trustee this _____ day of _____, 19 ____.

Pro Se Debtor

Note: This form should be used when the debtor is not represented by counsel during the course of negotiating the reaffirmation of a dischargeable consumer debt that is not secured by real property.

FORM NO. 9

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE:

CASE NO. _____

LOCAL RULES

DEBTOR(S)

MOTION TO REDEEM PROPERTY

Debtor hereby moves the court pursuant to section 722 of title 11, United States Code, for an order permitting the debtor to redeem an item of tangible personal property from a lien securing a dischargeable consumer debt.

The item of personal property involved is _____, which is intended primarily for personal, family or household use.

The security interest of _____

in said property, except as to the extent of the amount of the allowed secured claim of said creditor, is a dischargeable consumer debt.

The amount of the allowed claim of said creditor has been or should be fixed by the court as the sum of _____.

Wherefore, the debtor moves the court for an order permitting the debtor to redeem said property by paying said creditor the aforesaid sum,

and finding that the remainder of the claim of said creditor is a dischargeable consumer debt.

Attorney for Debtor

NOTICE

Please take notice that, unless within 15 days from the date of service of this order, you, as lienholder, file a response to the motion and a request for and notice of hearing on the response, an order may be entered sustaining the motion, permitting the debtor to redeem the property from your lien for the amount indicated, and finding that the balance of the indebtedness owed to you by the debtor is an unsecured, dischargeable consumer debt.

CERTIFICATE OF SERVICE

LOCAL RULES

This is to certify that a true and accurate copy of the foregoing motion to redeem property was served by (state method of service) upon the creditor this _____ day of _____, 19 ____.

Attorney for Debtor

Standing orders

**United States Bankruptcy Court
FOR THE EASTERN DISTRICT OF KENTUCKY
STANDING ORDER**

Effective November 1, 1998, Local Rules (E.D. Ky. LBR [4001-4](#), [4001-5](#), [9014-1](#)) are hereby amended to read as follows:

**RULE 4001-4. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN
CASES PENDING BEFORE JUDGE LEE**

Unless otherwise ordered by the court, motions for relief from the automatic stay in cases pending before Judge Lee in the Lexington division may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions.

**RULE 4001-5. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN
CASES PENDING BEFORE JUDGE HOWARD**

Unless otherwise ordered by the court, motions for relief from the automatic stay in the Covington division shall be heard at Covington on the first Tuesday of the month at 10:00 a.m. prevailing time; motions for relief from the automatic stay in the Ashland division shall be heard at Ashland on the Wednesday following the first Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay pending before Judge Howard in the Lexington division shall be heard at Lexington on the Thursday following the first Tuesday of the month at 10:00 a.m. prevailing time; motions for relief from the automatic stay in the Pikeville division shall be heard at Pikeville on the second Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Corbin division shall be heard at Corbin on the Thursday following the second

LOCAL RULES

Tuesday of the month at 10:00 a.m. prevailing time; and motions for relief from the automatic stay in the Frankfort division shall be heard at Frankfort on the Wednesday following the second Tuesday of the month at 10:00 a.m. prevailing time.

When the requirements set forth in the immediately preceding paragraph and those set forth in 11 U.S.C. § 362(e) cannot be met by noticing a motion for relief in the division in which the case is pending at the times stated above, a motion for relief from stay may be noticed for hearing before the court at Lexington on the Thursday following the first Tuesday of the month at 10:00 a.m. prevailing time.

RULE 9014-1. HEARINGS ON MOTIONS

Motions, objections or applications that have not been resolved by or cannot await resolution by the notice and opportunity for a hearing process, including responses to any such motions, objections or applications, shall be noticed for hearing as follows:

(a) Hearings before Judge Lee

Unless otherwise ordered by the court, motion days before Judge Lee in the Lexington division shall be as follows:

1. Motions in adversary proceedings may be noticed for hearing at 10:00 a.m. prevailing time on the first and third Wednesday of each month, unless such day is a legal holiday, in which event the court may designate an alternate date.
2. Motions for relief from stay may be noticed for hearing at 1:30 p.m. prevailing time on the first or third Wednesday of each month, unless such day is a legal holiday in which event the court may designate an alternate date.
3. Miscellaneous motions in chapter 7 cases may be noticed for hearing at 1:30 p.m. prevailing time on the second Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.
4. Miscellaneous motions in chapter 13 cases may be noticed for hearing at 1:30 p.m. prevailing time on the third Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.
5. All other motions may be scheduled by contacting the judge's chambers.

(b) Hearings before Judge Howard

Unless otherwise ordered, for cases pending before Judge Howard in the Ashland, Corbin, Covington, Frankfort, Lexington, and Pikeville divisions, any motion other than a motion for relief from stay shall be noticed for hearing in the division in which the case is pending at the following times. Motions in cases in the Ashland division shall be noticed for hearing at Ashland on the Wednesday following the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Corbin division shall be noticed for hearing at Corbin on the Thursday following the second Tuesday of the month at 10:30 a.m.

LOCAL RULES

prevailing time; motions in cases in the Covington division shall be noticed for hearing at Covington on the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Frankfort division shall be noticed for hearing at Frankfort on the Wednesday following the second Tuesday of the month at 10:20 a.m. prevailing time; motions in cases before Judge Howard in the Lexington division shall be noticed for hearing at Lexington on the Thursday following the first Tuesday of the month at 10:30 a.m. prevailing time; and motions in cases in the Pikeville division shall be noticed for hearing at Pikeville on the second Tuesday of the month at 1:30 p.m. prevailing time.

In the event there is insufficient time to hear a motion scheduled at the above time, the motion shall be reset for hearing at the court's convenience. Motions which are expected to require more than 15 minutes of court time may be scheduled by contacting the judge's chambers.

DATED: October 29, 1998 BY THE COURT

WILLIAM S. HOWARD

CHIEF JUDGE

**United States Bankruptcy Court
FOR THE EASTERN DISTRICT OF KENTUCKY
STANDING ORDER**

Effective January 1, 1998, Local Rule (E.D. Ky. [LBR 1006-1](#)) is hereby amended to read as follows:

When leave is granted in accordance with Rule 1006 of the Federal Rules of Bankruptcy Procedure to pay in installments the applicable fees and charges required pursuant to title 28 U.S.C. Sec. 1930, unless otherwise ordered by the court, such fees and charges shall be paid in installments as follows:

The fee and charges for filing a petition for relief under chapter 7 shall be paid in not more than of four installments of \$43.75 each.

The fee and charges for filing a petition for relief under chapter 11 shall be paid in not more than of four installments of \$207.50 each.

The fee and charges for filing a petition for relief under chapter 12 shall be paid in not more than of four installments of \$57.50 each.

LOCAL RULES

The fee and charges for filing a petition for relief under chapter 7 shall be paid in not more than of four installments of \$40.00 each.

Dated: December 17, 1997

WILLIAM S. HOWARD

CHIEF JUDGE

**United States Bankruptcy Court
FOR THE EASTERN DISTRICT OF KENTUCKY**

STANDING ORDER

Effective July 1, 1999, Local Rules (E.D. Ky. LBR 4001-4, 4001-5, 9014-1) are hereby amended to read as follows:

RULE 4001-4. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN THE LEXINGTON DIVISION

Unless otherwise ordered by the Court, motions for relief from the automatic stay in cases pending in the Lexington division may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions.

RULE 4001-5. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN DIVISIONS OTHER THAN LEXINGTON

Unless otherwise ordered by the Court, motions for relief from the automatic stay in the Covington division shall be heard at Covington on the first Tuesday of the month at 10:00 a.m. prevailing time; motions for relief from the automatic stay in the Ashland division shall be heard at Ashland on the Wednesday following the first Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Pikeville division shall be heard at Pikeville on the second Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Corbin division shall be heard at Corbin on the Thursday following the second Tuesday of the month at 10:00 a.m. prevailing time; and motions for relief from the automatic stay in the Frankfort division shall be heard at Frankfort on the Wednesday following the second Tuesday of the month at 1:30 p.m. prevailing time.

LOCAL RULES

RULE 9014-1. HEARINGS ON MOTIONS

Motions, objections or applications that have not been resolved by or cannot await resolution by the notice and opportunity for a hearing process, including responses to any such motions, objections or applications, shall be noticed for hearing as follows:

1. LEXINGTON DIVISION

Unless otherwise ordered by the Court, motion days in the Lexington division shall be as follows, unless such day is a legal holiday, whereupon the Court may designate an alternate date:

a. Cases assigned to Judge Lee:

- i. Motions in **adversary proceedings** shall be noticed for 10:30 a.m. prevailing time on the second and third Monday of each month.
- ii. **Motions for relief from stay** shall be noticed for 1:30 p.m. prevailing time on the second or third Monday of each month.
- iii. **Miscellaneous motions in chapter 7 cases** shall be noticed for 1:30 p.m. prevailing time on the second Monday of each month.
- iv. **Miscellaneous motions in chapter 12 and 13 cases** shall be noticed for 1:30 p.m. prevailing time on the third Monday of each month.
- v. All other motions and motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting the Judge's chambers (859) 233-2814.

b. Cases assigned to Judge Howard

- i. **Motions for relief from stay** shall be noticed for 10:00 a.m. prevailing time on the Thursday following the first Tuesday of each month.
- ii. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 10:15 a.m. prevailing time on the Thursday following the first Tuesday of each month.
- iii. **All other motions and final meetings** shall be noticed for 10:30 a.m. prevailing time on the Thursday following the first Tuesday of each month.
- iv. All motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting Judge's chambers (859) 233-2465.

LOCAL RULES

c. Cases assigned to Judge Scott

- i. **Motions for relief from stay** shall be noticed for 10:00 a.m. prevailing time on the first or third Wednesday of each month.
- ii. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 10:15 a.m. prevailing time on the Thursday following the first and third Wednesday of each month.
- iii. **Final meetings** shall be noticed for 10:30 a.m. on the first and third Wednesday of each month.
- iv. All other motions shall be noticed for 10:45 a.m. prevailing time on the first and third Wednesday of each month.

2. ALL DIVISIONS EXCEPT LEXINGTON

Unless otherwise ordered by the Court, for cases pending in all divisions except Lexington, any motion other than a motion for relief from automatic stay shall be noticed for hearing in the division in which the case is pending as follows:

a. Ashland

- i. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 11:15 a.m. prevailing time on the Wednesday following the first Tuesday of each month.
- ii. **All other motions and final meetings** shall be noticed for 11:20 a.m. prevailing time on the Wednesday following the first Tuesday of each month.
- iii. All motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting the Judge's chambers (859) 233-2465.

b. Covington

- i. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 10:15 a.m. prevailing time on the first Tuesday of each month.
- ii. **Final meetings** shall be noticed for 10:20 a.m. prevailing time on the first Tuesday of each month.
- iii. **All other motions** shall be noticed for 10:30 a.m. prevailing time on the first Tuesday of each month.
- iv. All other motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting Judge's chambers (859) 233-2465.

c. Corbin

LOCAL RULES

- i. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 10:15 a.m. prevailing time on the Thursday following the second Tuesday of each month.
- ii. **Final meetings** shall be noticed for 10:20 a.m. prevailing time on the Thursday following the second Tuesday of each month.
- iii. **All other motions** shall be noticed for 10:30 a.m. prevailing time on the Thursday following the second Tuesday of each month..
- iv. All other motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting Judge's chambers (859) 233-2814.

d. **Frankfort**

- i. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 1:40 p.m. prevailing time on the Wednesday following the second Tuesday of each month.
- ii. **All other motions and final meetings** shall be noticed for 1:50 p.m. prevailing time on the Wednesday following the second Tuesday of each month.
- iii. All motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting the Judge's chambers (859) 233-2814.

e. **Pikeville**

- i. **Continued confirmation hearings in chapter 13 cases** shall be noticed for 11:15 a.m. prevailing time on the second Tuesday of each month.
- ii. **Final meetings** shall be noticed for 11:30 a.m. prevailing time on the second Tuesday of each month.
- iii. **All other motions** shall be noticed for 1:30 p.m. prevailing time on the second Tuesday of each month.
- iv. All motions which are expected to require more than 15 minutes of court time shall be scheduled by contacting the Judge's chambers (859) 233-2814.

In the event there is insufficient time to hear a motion scheduled at the above time, the motion shall be reset for hearing at the Court's convenience.

DATED:

BY THE COURT

LOCAL RULES

WILLIAM S. HOWARD, CHIEF JUDGE

JOSEPH M. SCOTT, JR., JUDGE

JOE LEE, JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

STANDING ORDER

Effective December 29, 1999, the applicable portion of Standing Order effective July 1, 1999, is superseded and Local Rule (E.D. Ky. LBR 9014-1.1(c)(iv) is amended to read as follows:

RULE 9014-1.1(c)(iv)

All other motions shall be noticed for **10:30 a.m.**, prevailing time on the first and third Wednesday of each month.

Effective December 29, 1999, a new Local Rule (E.D., Ky. LBR 4001-2) is added as follows:

RULE 4001-2. USE OF CASH COLLATERAL, OBTAINING CREDIT AND STIPULATIONS RELATING TO SAME

- (a) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same shall set forth the total dollar amount of the request for use of funds, the specific uses to which the funds will be put, the debtor's proposed budget for the use of the funds, the amount of debt asserted to be owed to any creditor claiming an interest in the collateral, the value of the collateral which secures the creditor's asserted interest, and any proposal for providing adequate protection. If the debtor seeks authority to use cash collateral or to obtain credit on an emergency or expedited basis, the debtor shall state the nature of the emergency requiring an expedited hearing and determination. The motion shall be accompanied by copies of all documents, evidencing perfection, by which the interest of any entity claiming an interest in the cash collateral was created or perfected.

LOCAL RULES

- (b) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same shall be served on all creditors who assert an interest in the cash collateral and their attorneys, if known, any taxing authority that has a claim against the debtor, the debtor's twenty (20) largest unsecured creditors, the members of any committee appointed in the case and counsel to any committee, any parties who have filed a request for service of all pleadings and notices and the United States trustee.
- (c) Subject to section (d), the following provisions contained in an agreement between the debtor and the holder of a secured claim as to use of cash collateral, obtaining credit, or adequate protection, or any order approving or authorizing the use of cash collateral obtaining credit, or adequate protection, shall be unenforceable:
- (1) any acknowledgment of the validity, amount, perfection, priority, extent or enforceability of the secured claim, if the agreement or order purports to bind any party other than the debtor;
 - (2) any releases of liability for the creditor's alleged prepetition torts or breaches of contract, waivers of avoidance actions or waiver of defenses by the debtor or estate representative;
 - (3) any postpetition lien which purports to secure any claim of a secured creditor other than (i) a claim arising from postpetition advances which constitute an additional nonreplacement extension of credit; or (ii) a claim representing the diminution in value of the secured claim after the commencement of the case;
 - (4) any grant of a security interest in avoidance power recoveries available to the trustee; or
 - (5) any provision granting a creditor relief from the automatic stay without further order or hearing upon the breach of the cash collateral, adequate protection or postpetition financing order or agreement.
- (d) Notwithstanding section (c), the Court may order the enforcement of any terms and conditions on the use of cash collateral or obtaining credit, provided that (i) the proposed order or agreement specifically states that the proposed terms and conditions vary from the requirements of section (c), and (ii) any such proposed terms and conditions are conspicuously and specifically set forth in the proposed agreement or order.

Effective December 29, 1999, Standing Order effective January 1, 1998, is superseded and Local Rule (E.D. Ky. LBR 1006-1) is hereby amended to read as follows:

RULE 1006-1. FEES-INSTALLMENT PAYMENTS

When leave is granted in accordance with Rule 1006 of the Federal Rules of Bankruptcy Procedure to pay in installments the applicable fees and charges required pursuant to 28 U.S.C. §1930, unless

LOCAL RULES

otherwise ordered by the court, such fees shall be paid in not more than four installments as follows:

The fee and charges for filing a petition for relief under chapter 7 shall be paid in three (3) installments of \$40.00 each and one (1) installment of \$80.00.

The fee and charges for filing a petition for relief under chapter 11 shall be paid in four (4) installments of \$207.50 each.

The fee and charges for filing a petition for relief under chapter 12 shall be paid in four (4) installments of \$57.50 each.

The fee and charges for filing a petition for relief under chapter 13 shall be paid in three (3) installments of \$37.00 each and one (1) installment of \$74.00.

Dated:
BY THE COURT

JOSEPH M. SCOTT, JR.
JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

STANDING ORDER

Effective August 1, 2000, Local Rules 3015-1(a), 3015-3(a)(1) and 3015-3(b) [E.D. Ky. LBR 3015-1(a), E.D. Ky. LBR 3015-3(a)(1) and E.D. Ky. LBR 3015-(b)] are hereby amended to read as follows:

RULE 3015-1. CHAPTER 13 – PLAN – SERVICE OF PLAN

(a) Form of Plan. A chapter 13 plan shall conform to Form No. 2 as revised 08/01/00.

RULE 3015-3. CHAPTER 13 – CONFIRMATION

(a)(1) Objections to Confirmation. An objection to confirmation of a chapter 13 plan is governed by Rule 9014 of the Federal Rules of Bankruptcy Procedure. In cases pending in all divisions except Lexington, such objection to confirmation, for any reason, including valuation, shall be filed with the court and served upon the debtor, the attorney for the debtor and the chapter 13 trustee at or prior to the date first set for the meeting of creditors and in cases pending in the Lexington division within ten (10) days after the date first set for the meeting of creditors. The objection to confirmation shall be noticed for hearing at the hearing on confirmation of the plan.

(b) Order of Confirmation. The order of confirmation of a chapter 13 plan shall conform substantially to Form No. 4 as revised 08/01/00 and a copy of the order shall be served promptly upon the debtor or the attorney for the debtor, the chapter 13 trustee, and any creditor who timely filed an objection to confirmation of the plan.

Dated:

BY THE COURT

LOCAL RULES

_[Signed by] _

WILLIAM S. HOWARD

CHIEF JUDGE

LOCAL RULES

FOR THE EASTERN DISTRICT OF KENTUCKY

_____ **DIVISION**

IN RE

CASE NO. _____

DEBTOR(S)

ORDER CONFIRMING CHAPTER 13 PLAN

DATED _____

A plan under chapter 13 having been filed and served by the debtor on all creditors, and it appearing that the plan meets the requirements for confirmation, **IT IS ORDERED:**

The plan is confirmed.

The trustee shall serve copies of this order on the persons named below.

Dated:

By the court –

LOCAL RULES

Bankruptcy Judge

Copies to be served by the chapter 13 trustee on:

[Return to top of page](#)

[Return to main menu](#)